

SPEECH

OF

HON. JOHN R. EDEN,

OF ILLINOIS,

DELIVERED IN THE HOUSE OF REPRESENTATIVES,

FEBRUARY 27, 1864.



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S P E E C H .

The House being in Committee of the Whole on the state of the Union—

Mr. EDEN said :

MR. CHAIRMAN : I propose to state some of the reasons why I dissent from the views of the President, as expressed in his recent message, and especially some reasons why I dissent from his plan for the reconstruction of the Union embraced in his proclamation of amnesty. After the very able and full discussion of the questions arising out of those remarkable documents, it would be presumptuous in me to attempt to do more than restate, perhaps in a different form, some of the arguments which have already been adduced in opposition to the positions assumed by the Executive. For three years the people of the United States have been engaged in a war which, for magnitude of the armies in the field, and lavishness in the expenditure of money, has no parallel in modern history. The avowed object in inaugurating hostilities on the part of our Government was the suppression of "certain combinations formed to oppose the execution of the laws too powerful to be overcome by the ordinary course of judicial proceeding." In theory, the sole object in bringing a military force to bear upon these combinations was to overthrow and disarm them, to the end that the laws might be enforced. The Constitution of the United States empowers Congress "to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions." Another clause of the Constitution enjoins upon the President, to "see that the laws are faithfully executed." The General Government under these grants of power is in duty bound to suppress insurrection. The respective spheres of legislative and executive action in relation thereto, are clearly laid down and defined by the Constitution. Congress must pass all necessary laws for raising, arming, and governing the forces to be employed against the insurgents. The President must see that the laws passed in this behalf are faithfully executed ; and in cases of controverted constitutional questions arising out of the laws themselves, or the manner of their enforcement, the judicial department of the Government must settle the rights of the parties affected ; of the Executive as well as the citizen. Keeping these plain and simple propositions in view, we

can readily determine the duties of the President of the United States in conducting our military affairs. By the same rules we can also ascertain whether or not the military orders, proclamations, or executive "plans of reconstruction" are legitimate measures for the overthrow of combinations formed to obstruct the operation of the laws.

Before speaking more directly of this "plan," let us look a little at the previous acts and conduct of the Administration in reference to the rebellion, that we may with more accuracy determine the effects likely to follow the means proposed. I admit that when our political institutions are in peril, as they now are, it is a matter of the very first importance that the entire country should have the fullest confidence in the chief executive officer of the Government, provided he is worthy of that confidence. But I have yet to learn that in a republican Government the imbecility or corruption of the President must be palliated before the people whose servant he is and to whom he is accountable for all his acts. President Lincoln in his inaugural address said :

"I have no purpose directly or indirectly to interfere with the institution of slavery in the States where it exists. I believe I have no lawful right to do so, and I have no inclination to do so."

In his proclamation of April 15, 1861, calling out seventy-five thousand militia, which was the first call for troops made by him, the President used the language which I now read :

"I deem it proper to say that the first service assigned to the forces hereby called forth will probably be to repossess the forts, places, and property which have been seized from the Union ; and in every event the utmost care will be observed, consistently with the objects aforesaid, to avoid any devastation of or interference with property or any disturbance of peaceful citizens in any part of the country."

Again, on the 22d day of July, 1861, immediately following the first disastrous battle of Bull Run, Congress, by an almost unanimous vote, passed what is known as the Crittenden resolution, declaring—

"That this war is not waged in any spirit of oppression, or for any purpose of conquest or subjugation or purpose of overthrowing or interfering with the rights or established institutions of these States, but to defend and maintain the supremacy of the Constitution, and to preserve the Union, with

all the dignity, equality, and rights of the several States unimpaired; and that as soon as these objects are accomplished the war ought to cease."

The extracts which I have read from the inaugural address, the first proclamation calling out troops, and the Crittenden resolution, may, with great propriety, be denominated the first war platform of this Administration. During the first six or eight months after the commencement of hostilities we had no information from official sources that the war was to be diverted from its proper course in aid of the enforcement of the laws into a crusade to free the negroes, or to interfere with and overthrow the rights and established institutions of any of the States. High officials, with the oath to protect and defend the Constitution fresh on their lips, had not yet learned that there was some sort of an indefinite and undefinable "war power" to be found somewhere within the limits of a latitudinous construction of the Constitution that could release them from the obligations of that oath; that under this "war power" they might do that which they had "no lawful right to do;" that while the people are bound to obey all the laws and all the edicts and proclamations of the President, constitutional and unconstitutional, the chief Executive of the United States, rising above the ordinary level of erring mortals, had been imbued with authority from above or beneath to override and nullify constitutions and laws at his sovereign will and pleasure.

Mr. Chairman, the great mass of the people of the United States are distinguished for their love of country; are firmly attached to that form of Government instituted by the men who, fresh from the sanguinary fields of the Revolution, could yet guard the sacred cause of civil and religious liberty. To maintain the rightful authority of that Government and to preserve their liberties, having their only sure guarantee in the written Constitution under which that authority can alone be exercised, they have always been ready to make every sacrifice required of them by the dictates of the highest patriotism. Actuated by these sentiments, when this Administration demanded the purse and the sword in the sacred name of Union, they were given without stint or reservation. In return for their treasure and the blood of their sons, the people only required of their public servants that the Constitution of the United States should remain inviolate and the union of the States unbroken. With the highest professions of patriotism on the part of the President and his friends the pledge was given in the beginning of our civil war that these objects of solicitude should be carefully protected and maintained. In response to the assurance thus given, each call for troops to fill the broken and bleeding ranks of the army was met by the swelling tide of freemen, swarming to the field of carnage and of death, their hearts being fired with a holy zeal, under the belief that the sacred cause of the

Union invoked the sacrifice. Even the demands of the tax gatherer, grasping for a portion of the frugal meal of the children of toil, have been submitted to without a murmur because these contributions to the public Treasury were to be consecrated to the sacred purpose of saving the Union. When the withering hand of arbitrary power was first stretched over the peaceful citizens of the Northern States, and they were dragged from their homes the victims of personal or political malice, the fears of the people were aroused by the dark shadow of a hateful despotism whose figure was seen in the dim distance marching on with cautious but unerring step, trampling down in its course every safeguard of personal liberty. The apprehensions of the people were however quieted by the assurance that these things were done for the sake of the Union.

Mr. Chairman, has this Administration faithfully executed the high trust reposed in it by the country? If it has it ought to and will receive the reward due to the faithful public servant; its errors will be forgiven and forgotten, its virtues cherished and remembered. If it has proven false to its professions, and deceived and betrayed a too confiding people, it will and should receive their condemnation. This message unfolds more fully the purposes of the executive branch of the Government than anything that has preceded it. In order that we may form a correct judgment, let us examine this document in the light of reason and of candor.

The first impression formed on reading the President's proclamation of amnesty is that the progress of putting down the rebellion has not kept pace with the too ardent expectations of the people. The very modest pretensions of the President as to the success of the means employed by him for the overthrow of the rebel power do not seem to be justified by the facts given us. True, he runs a parallel, showing the present condition of affairs, as compared with the situation eleven months prior to the date of this message, with the evident design of showing a great improvement in the prospects of the Union. When we come to examine the premises upon which he bases his favorable conclusions, we cannot but be struck with the evident satisfaction with which he refers to the success of his party as one indication of the advancement of the Union cause. Whether this success shall turn out to be an element of strength or of weakness in the pending struggle, depends on the Administration and its friends. If they continue in future the course they have followed in the past, the result of the elections in their favor will not perceptibly weaken the cause of the rebellion. Again, the success of the proclamation of emancipation, in giving practical freedom to a large number of slaves, with the ultimate prospect that the whole negro population in the States where insurrection prevails will soon be in the enjoyment of the same inestimable bless-

ing, is cited as a notable instance of progress in suppressing the rebellion. Then, too, in the border States the people are growing restless in the cause of emancipation. Hence, the rebellion is rapidly disappearing. To a person not wholly satisfied that the President is "honest," the assignment of these causes of improvement in our condition would be apt to create at least the suspicion that he looked upon these facts more in the light of a partisan than of a patriot. They all have a direct bearing upon the future success of the Republican party. But let us go back in the history of this rebellion two years and a half, and see if, according to the President's own showing, we are not much further from reunion now than we were then. At the opening of the extra session of Congress in July, 1861, the President informed the country in his message that—

"It may well be questioned whether there is to-day a majority of the legally qualified voters of any State, except perhaps South Carolina, in favor of disunion. There is much reason to believe that the Union men are the majority in many if not in every other one of the so-called seceded States. The contrary has not been demonstrated in any one of them. It is ventured to affirm this even of Virginia and Tennessee; for the result of an election held in military camps, where the bayonets are all on one side of the question voted upon, can scarcely be considered as demonstrating popular sentiment."

This statement of the President was received by the country as true. And when we remember that until the voice of reason had been hushed by the clash of arms, a large majority of the people in most of those States had, upon every opportunity, expressed themselves satisfied with the Union, we must acknowledge that the President had substantial grounds for the statement he made. Since then we have had over two years and a half of bloody war. The battles of Donelson, Shiloh, Corinth, Vicksburg, Malvern Hill, the first and second battles of Bull Run, Antietam, Fredericksburg, Chancellorsville, Gettysburg, Chickamauga, Chattanooga, and many others of less note, have been fought. The blood of the young men of the country has been poured out in reckless profusion. Many thousands of homes, the abodes of happiness, with the family circle hitherto unbroken, have been made desolate by the cruel hand of war. The weeds of widowhood and the misery and want of orphanage meet the eye on every hand. The tax-gatherer crowds the highways of the country and the streets of the city. His footfalls are heard in the hovels of the poor and on the marble steps of the rich. His exactions fall upon the luxurious repasts and gorgeous equipage of the millionaire and upon the frugal meal and plain dress of the humble. Even the widow's mite is required to replenish the depleted Treasury. A debt of \$2,000,000,000 has been contracted by the Government, and the foundation laid to swell that debt to double its present proportions; thus laying

a burden upon future generations that will in all time to come grind the labor of this country in the dust. By looking at the condition of the tax-ridden people of Europe, we behold the picture of what our own country is soon to be.

Taxation and tyranny are synonymous terms. The sum paid by each person into the coffers of the Government is the amount charged to him for the protection he receives of the Government. When the laws of the country are honestly and fairly administered, the burdens upon the citizen will be light, and he is more than compensated by the benefits he receives. But when the Government is administered for the advantage of the few; when the people are taxed for the purpose of putting money into the pockets of the pampered partisans of an Administration, such taxation becomes wrong and oppressive. And whenever the burden thus cast upon the people becomes so great that some portion of the money that ought to be applied to the support of the family must go into the public Treasury, a storm of indignation will arise that will sweep from power the men who would take the bread from famishing children. No Government has a right to pursue a policy that will fix permanently upon the country a system of taxation which impoverishes labor, and introduces want and misery into the household of the honest man who by the sweat of his face earns his bread. When an extraordinary emergency arises, requiring a large expenditure of money by the Government, if the crisis be controlled by honest statesmanship, only temporary sacrifices will be required of the people, and these will be met by them cheerfully for the sake of the permanent tranquility and happiness which are to follow. But if, in order to subdue the inflammation of the body-politic, the patient is to be reduced to a skeleton by blistering and bleeding, and the Constitution is to be shattered and destroyed by copious doses of poisonous drugs, such vicious remedies will be found to be worse than the original disease. It would be far preferable to allow the political system to fall in pieces, leaving the fragments pure and sound, than thus to corrupt and eventually destroy the whole.

Such, Mr. Chairman, is a brief outline of what we have done and suffered, giving but a glimpse of the consequences that are to follow the innovations which have been made upon our political institutions, since the President made the announcement at the threshold of the war, that there was "much reason to believe that the Union men are [were] the majority in many, if not in every other one, of the so-called seceded States." What have we gained by all these sacrifices of blood and of treasure? If the Union cause has been advanced by the means employed in any degree commensurate with these sacrifices, then indeed the country may bear with patience the more trying scenes through which we are yet to pass. In drawing my

conclusions upon the subject, I rely wholly upon the testimony of the President himself. We have already seen, by the President's message of July, 1861, that at that time more than one half of the people in each of the rebellious States, except South Carolina, were ready to render a willing obedience to the Constitution and laws of the United States whenever the force of rebel arms to which they were subjected should be removed. Was not this a hopeful view? If proper means had been employed from that time forth, could not the rebellion have been easily and speedily suppressed? We had upon one side the regular Government, with twenty million people in the States not in insurrection. Having complete command of the ocean, the markets of the world were open to us for the purchase of everything needed in prosecuting the war. Our supremacy at sea also enabled us greatly to cripple our enemies in procuring supplies from foreign countries, and in preventing them from receiving such supplies. The principal wealth of the nation was to be found in the Northern States. The credit of the Government being good, that wealth was at its perfect command. The hearts of the people of the States adhering to the old Union being true to the Government under which their prosperity had been so great, and their liberties and happiness so secure, every man was ready to peril all to save that Government. On the other side were six million people, with a government not yet fully inaugurated, without money, without credit, without ships, scantily provided with the munitions of war, their ports closed by a blockade maintained by a sufficient force to command the respect of the civilized world; and, worse yet for them, with more than one-half their own people, held in subjection by the strong arm of power, ready at any moment, when that power should be broken, to join hands with the armies of the Union, and complete the overthrow of the rebel power by re-establishing State governments under the Federal Constitution, and thus maintaining the Union in all its original proportions.

Mr. Chairman, the rebel power being so weak as we have seen in July, 1861, ought it not ere this to have been overthrown? We had twenty-three million people on the side of the Government, three millions of whom were scattered throughout the States in revolt. Only three millions of the entire population of the country were willing adherents of the cause of the rebellion; and each one of these had a neighbor whose prayer was for the salvation of the Union, and whose eye would brighten with joy at sight of the stars and stripes waving again beneath a Southern sun. How easy would it have been for our overwhelming numbers, seconded by one-half the population of the insurrectionary districts, marching on in the spirit of the President's inaugural address and of the proclamation of April 15, 1861,

careful "to avoid any devastation, any destruction of or interference with property, or any disturbance of peaceful citizens in any part of the country," and carrying out the policy of the Crittenden resolution, to have swept before them every vestige of armed opposition, leaving in their rear State governments upheld by Union citizens, with a majority in each to maintain such governments. Unfortunately for this country such has not been the policy pursued.

Upon the meeting of Congress in December, 1861, commenced the struggle of the radicals to force their measures upon the country. The constitutional doctrine of the inaugural address relative to slavery was spurned. Instead of the conciliatory policy of the proclamation of April 15, 1861, guarantying the protection of property and of peaceful citizens by our armies, a confiscation act was placed on the statute-book which, if carried out, would not only virtually destroy the institution of slavery, but beggar almost every family in the South and render their country a desolate waste. The Crittenden resolution which had received the solemn sanction of the same men at the extra session in July, 1861, was violated with impunity; and a determination was manifested by them that the local institutions of the States should not be respected, and that the war should never cease until the laws and institutions of the Southern States were made to conform to the opinions of the abolitionists. The slavery question, upon which the Southern people had always been more jealous of Federal interference than on any other, was brought more prominently before Congress than ever before. The partisan schemes of the Republican party, some of which were regarded as unconstitutional and ruinous to the country by nearly one-half of the Northern people, were pressed upon Congress and the country with intemperate zeal and a manner most offensive. Such of their schemes as they could not carry out by legislation they besought the President, under the "war power," to enforce upon the people at the point of the sword. Though sometimes repelled, by bringing "pressure" to bear upon the weak nerves of the Executive they always triumphed in the end.

Mr. Chairman, if the change of policy from conservative to radical has improved the condition of the country, the President, being responsible for the change, will make its benefits appear in as strong a light as possible. He shall speak for himself. In his message delivered to Congress at the opening of the present session, the President says:

"The rebel borders are pressed still further back, and by the complete opening of the Mississippi the country dominated by the rebellion is divided into distinct parts, with no practical connection between them. Tennessee and Arkansas have been substantially cleared of insurgent control, and influential citizens of each, owners of slaves and advocates of slavery at the beginning of the rebellion, now declare openly for emancipation in the respec-

tive States. Of those States not included in the emancipation proclamation, Maryland and Missouri, neither of which three years ago would tolerate any restraint upon the extension of slavery into new Territories, only dispute now as to the best mode of removing it within their own limits. Of those who were slaves at the beginning of the rebellion, full one hundred thousand are now in the United States military service, about one-half of which number actually bear arms in the ranks, thus giving the double advantage of taking so much labor from the insurgent cause and supplying the places which otherwise must be filled with so many white men. So far as tested, it is difficult to say they are not as good soldiers as any."

Here are the substantial fruits of all the expenditure of blood and treasure since the announcement was made by the President that in all the insurrectionary States except South Carolina a majority of the people were favorable to the Union. To him whose heart's only desire in this contest is to see the Union restored under the Constitution, with the re-establishment of the former peace, happiness, and prosperity of this country, what has been the gain of these long months of toil and suffering? True, Tennessee and Arkansas have been substantially cleared of insurgent control, and some of their citizens who were formerly furious advocates of slavery extension have doubtless been conquered by this Administration, whether by weapons manufactured by Secretary Chase or by heavier metal it is not my province to inquire. But what has become of the majority of the citizens of each of these States who in July, 1861, stood ready when the rebel power should be removed to rally around the old flag, and to again place the governments of their States in harmony with the Constitution of the United States? I think that the loss of these men, who were honestly for the Union two years ago, is not well supplied by all the negroes now in the service of the Government, with whatever aid may be received from the few white men who will swear to support all of the President's proclamations.

The co-operation of a majority of the citizens of these States in the attempt now being made to reorganize State governments would fix Tennessee and Arkansas so firmly in the Union as to place them beyond the possibility of rebel control.

The relative merit of conservatism and radicalism in their effects in restoring the Union may be easily summed up from the President's messages. In July, 1861, when the horrible phantom of this fratricidal war had barely made itself visible to the people, more than one-half of the voters in each of the insurrectionary States, save one, were firmly attached to the Union. In December, 1863, after two years and a half of war, most of the time under a radical policy, the President thinks that perhaps one-tenth of the population, in some of the rebel States, may be almost ready to range themselves on the side of the Union. Should the Union cause continue to recede for two years to come as it has

during the two years last past, the President will be compelled to draw on his African friends for loyal men to fill the offices.

Mr. Chairman, the proclamation of amnesty accompanying the President's recent annual message is totally at variance with the Constitution of the United States. If, as all conservative men claim, the seceded States are in the Union, their ordinances of secession being null and void because repugnant to the Constitution, then clearly Mr. Lincoln has no right to prescribe terms upon which State governments shall be allowed to exist. If, on the other hand, as claimed by the distinguished gentleman from Pennsylvania, [Mr. STAVENS,] the seceded States are out of the Union, and the territory within the Confederate States is foreign territory, the President has no right to reorganize State governments over that territory upon any terms, because the Constitution expressly provides that "Congress may admit new States into the Union," and when States are carved out of this foreign territory they are new States. This executive plan of reconstruction, like all the outrages perpetrated by this Administration, is promulgated in the name of the Union.

The people have submitted to so many infringements of their chartered rights, because each separate act of usurpation was alleged to be necessary to the success of the Union cause, that the men in power have become bold and reckless in their assaults upon the Constitution. We have had many instances of wanton oppression of individuals by the President and others acting under his authority. The freedom of the press has been stricken down. Citizens, arrested without warrant of law, have been denied the privilege of "a speedy public trial by an impartial jury" of the country. Others have been banished from their homes for freely canvassing the conduct of men in public office. Freemen have been driven from the polls by military forces acting under the orders of the Administration, whereby men have been elected to seats on this floor in opposition to the known will of their constituents. And finally, to cap the climax of usurpation and tyranny, the President, seeking of his party a nomination for re-election, attempts to subject to his absolute control ten States, by excluding all citizens from a participation in the elections except those who have sworn base suberviency to his will.

This proposition coming on the eve of a presidential election, made by the Commander-in-Chief of the Army and Navy of the United States, who is also a candidate for President, is the most alarming and dangerous attempt that has ever been made in this country to override the will of the people. An election held under such circumstances would be worse than a mockery. Where the necessity of going through the empty forms of an election when no man is allowed to approach the polls unless he is bound by the

outrage upon the rights of the people of this country as was the first election of Louis Napoleon upon the rights of the people of France.

The President says that "on examination of this proclamation it will appear, as is believed, that nothing is attempted beyond what is amply justified by the Constitution." Justified by the Constitution! How? Where? Will some one point out the clause in that instrument which authorizes the President to fix the qualification of voters, to strike down the laws and institutions of the States, to impoverish the people of one-third of the Union without regard to guilt or innocence, age, sex, or condition? I challenge the champions of the Administration in this House to show by the most liberal rules of construction any warrant whatever in the Constitution for what is contemplated by this proclamation. Sir, the framers of the Constitution, instead of authorizing the President to disfranchise the people of the States for opposing emancipation, actually protected slavery by requiring the return of the fugitive from labor in case of his escape from one State to another. There is a law now upon your statute book to carry this provision of the Constitution into effect; and the President, who is requiring the citizens of ten States to take an oath to aid him in forcing emancipation upon the people, is himself bound by oath to see that the fugitive slave law is faithfully executed. This institution is recognized by the Constitution of the United States as existing in certain States "under the laws thereof;" and the President would compel the citizens of such States to disregard those laws, when the Constitution, which he is sworn to support, requires him to respect, and in a certain contingency to support and enforce those laws.

Mr. Chairman, the President seems to think because the power is given him to "grant reprieves and pardons for offenses against the United States," that therefore he may attach such conditions to a pardon as will not only bind the criminal to a certain course of political action, but that he has the further right to require the citizens of the State not guilty of crime to comply with the same conditions or be disfranchised. Did the framers of the Constitution ever dream that such a construction would be given to this grant of power? Was it intended that this act of executive clemency should be used as an engine to advance the personal or political ends of the President? I will not stop to inquire whether or not a conditional pardon may be granted. Nor do I question the propriety of requiring those who have actually been engaged in the rebellion to take an oath to support the Constitution *before* receiving pardon. I understand the reason for investing the Executive with this power is that the rules of law are necessarily inflexible, giving judgment upon the acts and motives of men, and yielding nothing to circumstances of mitigation

surrounding particular individuals. To afford relief in cases of peculiar hardship, the President, whose duty it is to see that the laws are executed, is permitted to temper their harsh sentences with mercy, by interposing a pardon. Such is the theory upon which this power rests. The Executive may grant the pardon, but must not attach conditions in derogation of the rights of others.

For instance, if the President pardon John Doe, who has been sentenced for the crime of treason, it would not be proper to put a condition in the pardon requiring the recipient of executive clemency to take his neighbors' property, or to trespass upon their lands, or to confederate with others and exclude them from the polls. In short, persons guilty of crime who have been relieved from its consequences by an act of clemency cannot, in accordance with our institutions or those of any other civilized nation, be set apart as the exclusive governing power of the State or nation. In some countries there is a nobility established on the basis of great service to the State, either by themselves or their ancestors; but I know of no country, in ancient or modern times, that has made crime the only passport to office and honor. Yet the President, under the pretext of pardoning all the people of ten States, many being guilty, but not one of whom stands convicted of crime against the United States, and a large portion of whom are as innocent as any gentleman on this floor, undertakes to nullify the constitutions and laws of those States; to revolutionize their social systems, and finally to disfranchise nine-tenths of their people, and to bring the whole power of the Federal Government to bear, to enable the one-tenth to rule over the remainder. To state the proposition is sufficient to stamp it with infamy. As a specimen of cool impudence, I will read the proclamation of Major General Banks ordering an election for State officers in Louisiana:

HEADQUARTERS DEPARTMENT OF THE GULF, }
NEW ORLEANS, January 11, 1864.

To the People of Louisiana:

I. In pursuance of authority vested in me by the President of the United States, and upon consultation with many representative men of different interests, being fully assured that more than a tenth of the population desire the earliest possible restoration of Louisiana to the Union, I invite the loyal citizens of the State qualified to vote in public affairs, as hereinafter prescribed, to assemble in the election precincts designated by law, or at such places as may hereafter be established, on the 22d day of February, 1864, to cast their votes for the election of State officers herein named, namely: 1. Governor. 2. Lieutenant Governor. 3. Secretary of State. 4. Treasurer. 5. Attorney General. 6. Superintendent of Public Instruction. 7. Auditor of Public Accounts; who shall, when elected, for the time being, and until others are appointed by competent authority, constitute the civil government of the State, under the constitution and laws of Louisiana, except so much of the said constitution and laws as recognize, regulate, or relate to slavery, which being inconsistent with the present condition of public affairs, and plainly

inapplicable to any class of persons now existing within its limits, must be suspended, and they are therefore and hereby declared to be inoperative and void. This proceeding is not intended to ignore the right of property existing prior to the rebellion, nor to preclude the claim for compensation of loyal citizens for losses sustained by enlistments or other authorized acts of the Government.

II. The oath of allegiance prescribed by the President's proclamation, with the condition affixed to the elective franchise by the constitution of Louisiana, will constitute the qualification of voters in this election. Officers elected by them will be duly installed in their offices on the 4th day of March, 1864.

III. The registration of voters, effected under the direction of the military governor and the several Union associations, not inconsistent with the proclamation or other orders of the President, are confirmed and approved.

IV. In order that the organic law of the State may be made to conform to the will of the people, and harmonize with the spirit of the age, as well as to maintain and preserve the ancient landmarks of civil and religious liberty, an election of delegates to a convention for the revision of the constitution will be held on the first Monday of April, 1864. The basis of representation, the number of delegates, and the details of election, will be announced in subsequent orders.

V. Arrangements will be made for the early election of members of Congress for the State.

VI. The fundamental law of the State is martial law. It is competent and just for the Government to surrender to the people, at the earliest possible moment, so much of military power as may be consistent with the success of military operation; to prepare the way, by prompt and wise measures, for the full restoration of the State to the Union, and its power to the people; to restore their ancient and unsurpassed prosperity; to enlarge the scope of agricultural and commercial industry, and to extend and confirm the dominion of national liberty.

It is not within human power to accomplish these results without some sacrifice of individual prejudices and interests. Problems of state, too complicated for the human mind, have been solved by the national cannon. In great civil convulsions, the agony of strife enters the souls of the innocent as well as the guilty.

The Government is subject to the law of necessity, and must consult the condition of things rather than the preferences of men, and if so be that its purposes are just and its measures wise, it has the right to demand that questions of personal interest and opinion shall be subordinate to the public good. When the national existence is at stake, and the liberties of the people in peril, faction is treason.

The methods herein proposed submit the whole question of government directly to the people—first, by the election of executive officers faithful to the Union, to be followed by a loyal representation in both Houses of Congress; and then by a convention which will confirm the action of the people, and recognize the principles of freedom in the organic law. This is the wish of the President.

The anniversary of Washington's birth is a fit day for the commencement of so grand a work. The immortal Father of his Country was never guided by a more just and benignant spirit than that of his successor in office, the President of the United States. In the hour of our trial let us heed his admonitions!

Louisiana in the opening of her history sealed the integrity of the Union by conferring upon its Government the valley of the Mississippi. In the war for independence upon the sea, she crowned a glorious struggle against the first maritime power of the world by a victory unsurpassed in the annals of war.

Let her people now announce to the world the coming restoration of the Union, in which the ages that follow us have a deeper interest than our own, by the organization of a free government, and her fame will be immortal!

N. P. BANKS,

Major General Commanding.

"In pursuance of authority vested in him by the President," this Major General proceeds to call an election for State officers of Louisiana at a time and in a manner different from those prescribed by law. He also fixes the qualifications of voters, and causes a registry to be made in opposition to the fundamental law of the State. Then with one stroke of his pen he declares that certain provisions of the constitution of Louisiana are inoperative and void. Finally, he graciously informs the people that "the immortal Father of his Country was never guided by a more just and benignant spirit than that of his successor in office, the President of the United States." This latter statement is important in several particulars, but chiefly because it contains information that has always heretofore been carefully concealed from the people. It will doubtless be of invaluable service to the loyal people of that State in pointing out their duty in making a nomination for President, as well as in voting for the nominee! An intimation coming from such high authority will not probably be lost upon the intensely loyal patriots who will participate in organizing a State government under this proclamation.

Instructions have been sent to General Steele, in Arkansas, to pursue the same course in that State that has been adopted in Louisiana. Sir, when I see the very pillars of our Republic thus tottering to their fall under the blows of one to whom the people confided the sacred trust of guarding and protecting their rights and liberties, my mind is filled with gloom, and the future of this country, to my vision, is shrouded in mystery and darkness.

Mr. Chairman, I am a friend of the Union; my love for it is so strong that I am not willing to give up a single State. When I see a hand raised to strike down and blot out a single star from the flag of my country, whether the blow be directed by the traitor in arms or by a more insidious enemy seeking to effect the same end by undermining and subverting the Constitution, I will interpose my feeble efforts to ward off the blow. I would save the Union, because the Union is necessary to secure the prosperity, the liberties, and the happiness of the people. I do not agree with the distinguished gentleman from Pennsylvania, [Mr. STEVENS,] that "he who now wishes to re-establish the Union as

it was," and to retain "the Constitution as it is," is guilty "of attempting to enslave his fellow-men." Neither do I agree with him in that other sentiment, that "the Union as it was and the Constitution as it is, is an atrocious idea; it is man-stealing." I will not take the responsibility of charging Washington and Madison and Hamilton and their compatriots with forming a Constitution with the design of enslaving their fellow-men; nor will I charge them with harboring "an atrocious idea," or with "man-stealing." In order to establish this Union they left each State to regulate for itself the status of the negro within its limits. Believing, as I do, that they acted wisely, I am willing to hasten the day of peace and reunion by following their example. If I had believed that a rigid adherence to the Constitution as it is would have entailed upon me the crime of man-stealing, or of enslaving my fellow-men, I would not have been guilty of the "atrocious" act of taking the oath as a member of this body to support the Constitution.

The gentlemen on the other side of the House say that they too are for the Union, and some of them are so *exclusive* in their Unionism that they are not disposed to accept the labors of gentlemen on this side in its behalf. They are for such an unconditional Union that they would not only force ten Southern States out of the Union, but would also treat with scorn and contempt a million and a half of voters in the Northern States! The Union was established in a spirit of conciliation and compromise. The wise men who formed our Government were quick to discern that in order to maintain republican institutions, founded on the consent of the people, the interests and prejudices of all sections of the country must be consulted, so far as might be consistent with the general purposes for which the Government was formed. The men now in power, discarding the teachings of a sound philosophy, as well as the example of the founders of the Government, undertake to restore union and harmony to a divided and distracted country by the most intolerant proscription of all who differ with them in opinion, and by demanding fealty to their own most fanatical, ruinous, and extreme doctrines, as the only true standard of loyalty. Can the Union ever be restored in that way? Do not this House and the country know that persistence in such a course leads to bankruptcy, anarchy, and ultimate despotism?

If you are not for the Union as it was, what sort of Union are you for? Is it the Union as it ought to be for which you are fighting? Pray tell the country, ye pure and unconditional Unionists, who can't endure the Union as our fathers formed it, what sort of Union you will form? Is it to be a Union without States, without *habeas corpus*, without trial by jury, without free speech or free press, without a free ballot? And if you do not all quite agree among yourselves as to what the Union

ought to be, who will decide between you? Remember that "a house divided against itself cannot stand." I have no doubt but you can agree among yourselves about the irrepressible negro; but questions will force themselves upon you at some time affecting the interests of white men, and perhaps you may differ upon such questions. For instance, the President, in speaking of his plan of reconstruction, says, "On examination of this proclamation it will appear, as is believed, that nothing is attempted beyond what is amply justified by the Constitution." The distinguished gentleman from Pennsylvania, [Mr. STEVENS,] in speaking of the same plan, says:

"In details we do not quite agree, but his plan of reconstruction assumes the same general grounds. It proposes to treat the rebel territory as a conqueror alone would treat it. *His plan is wholly outside of and unknown to the Constitution.*"

Here we find the "opposing elements" are separated, and who is to decide which is "the sound?" The President assumes that his plan is "amply justified by the Constitution." The chairman of the Committee of Ways and Means says this same plan "is wholly outside of and unknown to the Constitution." In one thing the plan proposed by the President and the one proposed by the chairman of the Committee of Ways and Means are in perfect harmony; they are both in open and flagrant violation of the Constitution.

The great difficulty with the Republican party in their pretended efforts to put down the rebellion consists in a failure on their part to comprehend what constitutes the rebellion. The negro is not the cause of the rebellion; neither is slavery. Questions arising out of slavery have been used by designing men to inflame the passions of the people, with a view to precipitating them into revolution. But the doctrine promulgated a few years ago, of which I believe our present distinguished Secretary of State may claim the paternity, that there is a higher law than the Constitution, which ought to control the political conduct of the people, is the corner-stone upon which the rebellion was built. Secession is the "higher law" carried into effect upon a large scale—a most odious, ruinous, and inexcusable application of this fatal heresy. Mr. Lincoln, when he announced in his Springfield speech, in 1858, "that the Union could not endure permanently part slave and part free," was educating the public mind in the rudiments of the "higher law," because the Constitution is based upon the principle that a part of the States may be slave and a part free. Old John Brown, in his attempt to incite insurrection in Virginia, was carrying out in practice the theories of the men who urged upon the country the "higher law" as a rule of conduct for the citizen. Garrison, when he enunciated the "atrocious" sentiment that the "Constitution is a league with hell and a

covenant with death," was "firing the Northern heart" to the end that the people might array themselves under the banner of the higher law, and in opposition to the rightful authority of the Government. The underground railroads all over the land were incorporated under the higher law. Unfortunately for the country, at a moment of excitement in the South, growing out of the election to the Presidency of an exponent of the "higher law" as taught in the North, the people of the South, many of whom had received lessons in the same pernicious school, were precipitated into revolution. The result is that the land is drenched in fraternal blood. To stay the tide of revolution now sweeping over the entire country, this subtle poison must be extracted from our political system, or its effects must be neutralized and destroyed.

Mr. Claiborne, no test of loyalty should be prescribed other than "obedience to the Constitution and the laws passed in pursuance thereof." If every man in the Government were true to this test, there would be no rebellion in this country. The odious and unconstitutional conscription law might be repealed. Instead of taxing their ingenuity in devising the means whereby the largest amount of money, in the shape of taxes, can be extorted from the labor and industry of the country, members of Congress might devote their time and talents to such legislation as would add to the happiness and prosperity of the people.

"The Constitution as it is" furnishes all the safeguards necessary to the security of life, liberty, and property. "The Union as it was" gave us a character and standing among the nations of the earth sufficient to shield us from insult and injury by foreign Governments. For over seventy years the people of the United States lived and prospered within the Union, as organized under the Constitution, as no people ever prospered before. The rights of the States and the rights of the citizen were preserved in all their constitutional vigor. The legitimate authority of the General Government met with no serious opposition, either from States or individuals, because within the limited scope of that authority there was no rein given to oppression or tyranny. When the tempter came, like the serpent in the garden, and whispered into the ears of the people that the fruit forbidden by the fathers of the Government to be touched was "pleasant to the taste," and that its use would add wisdom to the understanding, like our mother Eve, too many of them gave heed to the voice of the slimy reptile. Though we have not, in consequence of that disobedience, fallen from so great an estate as did our first parents, yet the result is this deplorable civil war, and the probable loss of constitutional liberty. And still the expounders of the "higher law" continue to press forward in their destructive and criminal career. The man who raises his voice in behalf of the Constitution of his country does so at the risk of

imprisonment or banishment at the hands of this Administration; and if he escapes the vindictive persecution of the Chief Executive, the entire corps of thieves and plunderers, who are fattening off the miseries of the country, through their organized and trained bands, open their batteries of slander and detraction upon him, in order to weaken or destroy his influence with the people.

Not content with all the abuse that the pensioned press and feeble attorneys of the Administration, are continually pouring out upon that great constitutional party founded by Jefferson, the Republican party has imported a rebel general, his hands reeking with the blood of our soldiers and his soul steeped in foul treason, to aid them in their work of slander and detraction.

This "war power" which is invoked by the Administration and its friends to justify their infringements upon the rights and liberties of the people is akin to the "higher law." The "military necessities" of the President and his subordinates, which have formed the pretexts for the various proclamations of emancipation, and for subverting the constitutions and laws of the States and tampering with their elections, spring from the same impure and corrupt fountain. All the powers of this Government are to be found in the Constitution. Military necessity is applicable only to the movements of armies in the field, and does not reach beyond their lines.

The Administration and its adherents seem to be wedded to the peculiar policy they have adopted, and the only way to effect a change is through the agency of the ballot-box. Claiming to be unconditional Union men, the party in power would not accept the Union to day upon the simple terms of the Constitution, leaving all questions affecting the rights of person and property in the Confederate States to be settled by the adjudications of the courts and the future legislation of the country. A fanatical zeal for the freedom of the black man, intensified by a stubborn resistance to every effort to make him free by those whose social and financial ruin would thereby ensue, is turned into a desperate purpose to degrade and enslave the white race whose misfortune it is to be placed among the sable objects of abolition idolatry. These men, who arrogate to themselves all the patriotism and all the religion of the country, would not stop this effusion of blood and arrest the onward course of relentless, cruel war which is now laying waste the fairest portions of our country if every rebel in the land were to lay down his arms and humbly sue for peace. The fiat has gone forth, and as long as a single slave remains in bondage this harvest of death must go on. Regardless of all the lessons of history, in violation of the faith of the nation as pledged by the heroes and statesmen of the past, in open contempt of the solemn promises made to the people in party platforms, presidential messages, and congressional resolves, four million

slaves, an inferior and degraded race, whose education and habits wholly unfit them for self control, are to be thrown upon society to roam at will throughout the land. Yes, and the sword of the nation is to be placed in the hands of this servile race, thus opening their way to the ballot-box and to social equality with the whites. Had such a proposition been made to the American people ere the hearts of so many had become hardened by the severities of this war, no sane man would for a moment have hearkened to it. But, lest some good-meaning people may think that I do my political opponents injustice in what I have said, I will quote from the last annual message of the President. He says:

"I may add, at this point, that, while I remain in my present position, I shall not attempt to retract or modify the emancipation proclamation."

In speaking upon the same subject a few sentences preceding what I have read, the President says:

"To now abandon them would be not only to relinquish a lever of power, but would also be a cruel and astounding breach of faith."

There are no compunctions of conscience about breaking faith with white men! I charge the President of the United States with breaking faith with the people of this country by disregarding not only his pledges made in the inaugural address, in the proclamation of April 15, 1861, and in the Crittenden resolution, but also by trampling under his feet every provision of the Federal Constitution made for the protection of the liberty of the citizen. All the pledges to the negro are to be faithfully kept. In future the "free Americans of African descent" will doubtless crowd the President's levees, even in greater numbers than they did on New Year's day, not only relieving the monotony occasioned by the uniformity of color, but also giving a foreign odor to the gorgeous splendor of American royalty.

Our "freedmen" are the most fortunate people on earth. Even this Administration will keep faith with them. In the amnesty proclamation "our colored fellow-citizens" are treated with the usual affection and tenderness shown them by the President. "All who have engaged in any way in treating colored persons, or white persons in charge of such, otherwise than lawfully as prisoners of war, and which persons may have been found in the United States service as soldiers, seamen, or in any other capacity," are excluded from the benefits of the proclamation of amnesty. The repentant rebel, who may have murdered in cold blood the white soldier thrown into his hands by the fortunes of war, upon taking the prescribed oath is pardoned and taken into the bosom of the Republican party. But the planter within the rebel lines, who has in nowise voluntarily raised his hand against the Government, who attempts to recapture his slave which has been stolen from him and put into the Federal Army, is beyond the reach of executive clemency. He

has committed the unpardonable sin. He has laid his profane hands upon what is regarded by this Administration as sacred, and must expiate his crime with his life! The mother who has given up her only son to the defense of the country has the consoling assurance that though the murderer of her boy will be restored to all his rights upon taking the prescribed oath, except the right to own the labor of his servant, yet he who has refused to extend the usages of civilized warfare to the negro shall receive no pardon.

Sir, the liberties of the people, the preservation of the State governments, and the maintenance of the Union under the Federal Constitution, are all involved in the well-defined issues of the approaching presidential election. While there are differences of opinion among Democrats and conservative men upon minor points, some believing that the evils which now afflict the country may be remedied by a vigorous prosecution of the war under the Constitution, and others favoring peace and conciliation as the only means of reuniting the broken fragments of the Union, they all are agreed in a determination to uphold the Federal Constitution and the Union of the States in accordance therewith. Not one would favor negotiations for peace on any other basis than that of a restored Union, with the rights of the States and the liberties of the people guarded and protected by all the limitations of the Constitution upon the powers of the General Government.

The only issue, then, between the parties relative to the war is whether it shall be prosecuted under the present policy for the overthrow of the States, and to compel the entire population of the South to surrender all rights of person and property into the hands of the Abolitionists, or whether, under Democratic rule, in case the Southern people shall refuse to make peace and return to the Union upon fair and equitable terms under the Constitution, the war shall be waged only against these in hostility to the Government. The policy of the dominant party includes confiscation, emancipation, endless war, despotism. The policy of the Democracy embraces conciliation and compromise, along with whatever force may be necessary to the due execution of the laws, and a firm, unfaltering devotion to constitutional liberty, and a determination as immovable as the everlasting hills to maintain it.

Sir, the bloody hand of war has left its mark upon almost every house in the country. The bright sunshine of heaven beams down upon the glistening bayonets of a million men confronting each other all along the fields made desolate by terrible conflict, where but yesterday the foeman crossed steel in the wager of battle. Along the banks of the great Father of Waters and those of its tributaries lie the bones of two hundred thousand of the sons of the great Northwest, who have fallen in this deplorable war. On the prairies and amid the forests of that great valley

there are tens of thousands of helpless children, each of whose young lives has been made sad by the loss of a father slain upon the bloody field. And now, while the aged mother sits in restless anxiety, afraid to hear the next news from the field of carnage lest it bring the unwelcome tidings that her son has been slain, as her dim eye rests upon the one left at home to support her in her old age a new pang penetrates her heart, for he too will be taken when the remorseless wheel of fortune begins to turn for the additional five hundred thousand.

Should this Administration be continued in power for another term, the war will go on until the financial schemes of Secretary Chase shall crumble into ruin, when it will of necessity cease, leaving in its desolating course a divided country, and a ruined people. On the other hand, should the Democracy succeed in the next presidential election, the Union will be restored under the Consti-

tution in less than six months after its accession to power, as I believe without the necessity of shedding a single drop of blood. When the mass of the people of the South, suffering as they are, not only from the cruel fortunes of war, but also from the oppressions of their rulers, are offered peace upon the simple terms of allegiance to the Constitution and laws of the United States, and the offer has the solemn sanction of a great majority of the Northern people, the leaders of the rebellion will be abandoned to their fate. We will reach forth our hands and lift up those Union men of whom the President spoke in his message at the extra session in 1861; and when they shall be enabled to stand and speak their honest sentiments without fear of rebel arms or abolition proclamations, there will be a majority of original Union men in all the States, except one, who will again organize their State governments and thus restore the Union.

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